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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,464	08/04/2006	Yasuyuki Dewa	1033622-000023	6700

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BUCHANAN, INGERSOLL & ROONEY PC  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER
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WOOD, ELLEN S

ART UNIT	PAPER NUMBER
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1794

NOTIFICATION DATE	DELIVERY MODE
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12/10/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/588,464	DEWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ELLEN S. WOOD	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, and 11-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Dawson (US 6,217,982).

In regards to claim 1, Dawson discloses a thermoplastic alloy composition comprising a melt blend of

- i) 10-40 wt.% polypropylene (thermoplastic resin)
  - ii) 15-55 wt.% uncrosslinked ethylene propylene copolymer rubber (ethylene unsaturated ester copolymer)
  - iii) 20-60 wt.% of an ionomeric copolymer of ethylene, an alpha, beta-unsaturated C<sub>3</sub>-C<sub>8</sub> carboxylic acid, and optionally one or more softening comonomers copolymerizable with ethylene (col. 1 lines 46-62).
- The copolymer is about 10 to 70% neutralized with metal ions selected from elements such as sodium, potassium, zinc, calcium, magnesium, lithium, aluminum, nickel, and chromium (col. 3 lines 42-46).

In regards to claim 3, Dawson discloses that the thermoplastic resin is polypropylene (col. 2 lines 46-49), which is known to one of ordinary skill in the art as a polyolefin type resin.

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In regards to claims 11-13 and 19-20, Dawson discloses that the composition may be formed into a film and sheets that are free-standing material or as part of a laminated structure (col. 2 lines 32-35).

In regards to claims 14-18 and 21-24, Dawson discloses that the sheet maybe used in a multilayer structure where it would be adhered to other layers by a tie layer except in those cases where the other layers are polypropylene based (thermoplastic polyolefin) and an adhesion could be achieved by coextrusion or co-lamination (col. 2 lines 53-59).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson (US 6,217,982) in view of Hirasawa (US 5,179,168).

Dawson discloses the sheet and films formed from the thermoplastic composition as discussed in the previous section. Dawson is silent with regards to the potassium ionomer comprising two or more types of potassium ionomer.

Hirasawa discloses an ionomer that is formed by neutralizing partially or completely the unsaturated carboxylic acid component of the ethylene/unsaturated carboxylic acid copolymer with at least one alkali metal

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such as potassium (col. 3 lines 10-16). The blend is characterized in that at least two ionomers are blended (col. 3 lines 65-66). The difference of the unsaturated carboxylic acid content between ionomers differing in the unsaturated uncarboxylic acid content be at least 2 mole% or higher (col. 3 lines 36-41). The ionomer composition is mixed in a ratio of 5 to 99 parts by weight and the thermoplastic resin is 95 to 1 parts by weight (col. 6 lines 25-37). The composition can be used for a packaging film, a mat, a container, a wall paper sheet, a form of a laminate with other thermoplastic resin, a paper sheet or a metal (col. 5 lines 58-68).

It would be obvious to one of ordinary skill in the art to combine the ionomer composition of Hirasawa with the thermoplastic resin composition of Dawson to form a resin composition that can be molded into articles that have excellent antistatic properties (Hirasawa col. 6 lines 60-63). Also, the resin composition can have controlled moisture-absorbing properties and water-absorbing properties at very low levels, and therefore, foaming is hardly and molding can be easily accomplished (Hirasawa col. 6 lines 47-59).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-3 and 10-24 have been considered but are moot in view of the new ground(s) of rejection.
6. The 35 U.S.C 112 rejection has been withdrawn.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLEN S. WOOD whose telephone number is (571)270-3450. The examiner can normally be reached on M-F 730-5 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571)272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/  
Supervisory Patent Examiner, Art Unit 1794

